

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:03CR3014
	)	
v.	)	
	)	
HA T.T. NGUYEN,	)	MEMORANDUM
	)	AND ORDER
Defendant.	)	
_____	)	

The defendant seeks the appointment of counsel in order to file a motion to reduce her sentence under the changes to the crack Guidelines that will become retroactively effective on November 1, 2011. Because the defendant was held responsible for 850 grams of crack (filing no. 192 (PSR ¶ 41)), because the defendant's base offense level was previously reduced to level 34 following an earlier change to the crack Guidelines (filing no. 401 (Retroactive Sentencing Worksheet)) with a resulting decrease in her sentence (filing no. 400 (Order granting sentence reduction from 210 months to 168 months)) and because the most recent retroactive changes to the Guidelines will not alter her base offense level or any other relevant calculation, I will deny the motion. More simply, the defendant is not entitled to a sentence reduction and therefore there is no need to appoint counsel.

IT IS ORDERED that the Motion Requesting Counsel (filing no. 442) is denied. My chambers shall provide copies of this Memorandum and Order to: David Stickman, Federal Public Defender; Kelly Nelson, Supervising United States Probation Officer; and Craig Ford, United States Probation Officer.

DATED this 31<sup>st</sup> day of August, 2011.

BY THE COURT:

*Richard G. Kopf*

United States District Judge